S.B.CIVIL WRIT PETITION NO.6814/2006

Narendra Singh Chauhan

versus

State of Rajasthan & Ors.

Date of Order :: 22nd August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. R.K.Soni, for the petitioner.

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By respondent Madhav Nagrik Sahkari Bank Ltd., a loan was sanctioned to the petitioner and that was admittedly not satisfied as per settled schedule. The petitioner himself made request to the respondent bank to decide the issue with regard to payment of dues by acting upon a scheme introduced for "one time settlement". Acting upon the request made by the petitioner a competent committee of the respondent bank in its meeting dated 24.12.2003 decided to settle the dispute in following terms:-

> "रजिस्ट्रार सहकारी समितियां जयपुर के परिपत्र क्रमांक फा./15/94/सविरा/बैंक-1/ 2002 के अनुसार शर्तो के अनुरूप श्री नरेन्द्र सिंह के प्रस्ताव का अध्ययन करने पर यह निर्णय लिया गया कि श्री नरेन्द्र सिंह को 31.03.2000 के मूलधन व ब्याज जो रू. 48,59,522/- है। उसके पश्चात् दिनांक 01.04.2000 से 30.11.2003 तक 12 प्रतिशत साधारण ब्याज से कुल माह 44 की गणना की जाने पर कुल राशि रू. 69,97,711/93 होती है का भुगतान करना होगा। प्रार्थी की

वर्तमान बकाया दिनांक 30.11.2003 का कुल रूपये 91,86,435/68 बकाया है, इसके स्थान पर 69,97,711/93 का भुगतान करना होगा। इसके अतिरिक्त उनकी किसी भी शर्त को नहीं माना जा सकता है क्योंकि उनकी शर्ते परिपत्र में जारी निर्देशों के अनुरूप नहीं है।"

By this petition for writ challenge is given by the petitioner to the decision of the committee referred above.

The contention of counsel for the petitioner while challenging the decision regarding one time settlement is that the committee has not determined with due amount objectively. It is stated that the respondents have erroneously calculated the amount by putting higher rate of interest upon the due amount.

I do not find any substance in the contention so raised. The petitioner was required to satisfy total dues in a tune of Rs.91,86,435.68 but the committee determined the amount sought to be paid as one time settlement in a tune of Rs.69,97,711.93. While doing so, only simple interest was added for a period of 44 months. The decision taken by the committee in no case is arbitrary or unjust. What I think, is that a sufficient relief has already been given to the petitioner by the respondents and no interference in that is warranted.

The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.